

**Remarks:**

Claims 1-30 and 34 were previously pending, with claims 31-33 being withdrawn from consideration. The Examiner rejected claims 1-30 and 34. Applicants have canceled claims 1-2, 12-25, 30, and 34 without prejudice or disclaimer, amended independent claim 26 and dependent claims 3-11, and added new independent claim 35.

In the Office Action, the Examiner again rejected claims 1-2, 4, 6, 11-12, 14, 16, 21-23, 26-27, 30, and 34 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 3,690,387 to Dixon. In an attempt to clearly define the structure of the invention, Applicants have canceled all independent claims, except claim 26, and added new claim 35 that claims first and second control systems, wherein the first control system is the side load detection system known in the prior art, and the second control system is the rotational float system of the present invention. Applicants submit that the prior art references of record do not disclose two separate control systems, as discussed in more detail below.

As the Examiner has acknowledged, the Dixon references discloses a side load protection system that allows a boom to rotate upon “imposition of a side loading condition above a predetermined magnitude” to prevent “damage due to excessive side loading by allowing the boom to be rotated.” (Column 2, lines 24-25 and 46-47). As described in the present application’s *Summary of the Invention*, the present invention improves upon a side load protection system, such as the system described in Dixon, by allowing the boom to rotate before a side load exerting a force of a predetermined magnitude is reached. The present invention is especially advantageous because side load protection systems such as Dixon are subject to misuse. For example, continual reliance on the side load protection system as a mechanism for rotating the boom while an anchor is installed in the ground will, over time, damage the digger derrick and reduce the holding power of installed screw anchors. (Specification, page 2, line 24 to page 3, line 4).

The rotational float system of the present invention is not pressure responsive, i.e., the rotational float system does not allow the boom to rotate upon reaching a predetermined magnitude of differential pressure. Instead, the rotational float system allows the boom to rotate as soon as the float system is activated. As described at pages 8-10 of the Specification and in previous Amendments, side loading creates a differential pressure between hydraulic ports of a rotation motor.

The rotational float system of the present invention allows the pressure differential to equalize, thus causing the boom to rotate. Unlike Dixon or any other prior art references of record, rotation of the boom is not due to a side load of a predetermined magnitude or release of a brake mechanism preventing the boom from rotating.

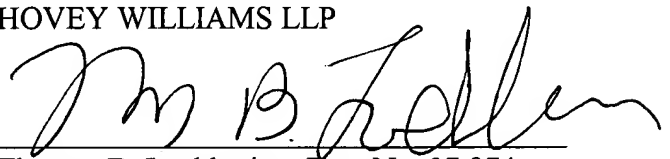
The present invention's rotational float system is in addition to the side load protection system described in Dixon and is designed to "complement the side load protection system 42." (See Specification, page 5, lines 25-30; page 6, lines 10-11; and Fig. 3, number 42). As such, the valve structure and corresponding hydraulic lines of the rotational float system are in **addition** to the valve structure and corresponding hydraulic lines that accompany the side load protection system. New independent claim 35 specifically claims a first control system comprising the side load protection system of the prior art that is responsive to a pressure of a predetermined magnitude and a second control system comprising the rotational float system of the present invention that is pressure-independent. As such, claim 35 recites structure for two control systems. Applicants respectfully submit that Dixon only discloses structure for one control system, namely the side load protection system that rotates upon pressure of a predetermined magnitude. Applicants also submit that the valve structure and hydraulic lines of Dixon could not perform **both** operations, i.e., rotation based on a side load of a predetermined magnitude and rotational float, at the same time. As such, the present invention requires there be separate valve and hydraulic line structures for the side load protection system and the rotational float system. The separate valve and line structures are then each in communication with the rotation motor, as illustrated in Fig. 3 of the present application.

Applicants also submit that independent claim 26 presented in the Amendment dated April 23, 2003, is allowable over the prior art given the above arguments. In particular, claim 26 claims a system comprising a side load protection system and a float system. Previously, the Examiner stated that "Dixon discloses substantially automatic control of a side loading system when a predetermined pressure is exceeded as well as manual operation of a float system." (June 6, 2003, Office Action, Page 3). Applicants respectfully emphasize that claim 26 claims **two separate systems**, i.e., a side load protection system and a float system, and two separate systems are not disclosed in Dixon.

In view of this response and the remarks herein, Applicants respectfully submit that claims 3-11, 26-29, and 35 are in allowable condition and requests a corresponding Notice of Allowance. In the event of further questions, the Examiner is urged to call the undersigned. Any additional fee which might be due in connection with this application should be applied against our Deposit Account No. 19-0522.

Respectfully submitted,  
HOVEY WILLIAMS LLP

BY: \_\_\_\_\_

  
Thomas B. Luebbering, Reg. No. 37,874  
2405 Grand Blvd., Suite 400  
Kansas City, Missouri 64108  
(816) 474-9050

ATTORNEYS FOR APPLICANTS